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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 JAMAR ANTONIO BEAVER, ) CASE NO. C08-0430-JCC-MAT  
09 )  
Petitioner, )  
10 v. ) ORDER STRIKING RESPONDENT'S  
11 ) MOTION TO DISMISS AND  
BRUNO STOLC, ) DIRECTING RESPONDENT TO FILE  
12 ) AN ANSWER  
Respondent. )  
\_\_\_\_\_ )

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14 This is a federal habeas action brought pursuant to 28 U.S.C. § 2254. This matter  
15 comes before the Court at the present time on respondent's motion to dismiss petitioner's  
16 federal habeas petition. The Court, having reviewed respondent's motion, and the balance of  
17 the record, does hereby find and ORDER as follows:

18 (1) Respondent's motion to dismiss (Dkt. 29) is STRICKEN. Respondent argues  
19 in the instant motion that petitioner's federal habeas petition should be dismissed because  
20 petitioner failed to sign it. Petitioner, in his response to respondent's motion, notes that his  
21 father filed the petition on his behalf and he requests that he be permitted to correct any  
22 omission if the Court determines that the petition was not properly executed under 28 U.S.C. §

ORDER STRIKING RESPONDENT'S MOTION TO DISMISS  
AND DIRECTING RESPONDENT TO FILE AN ANSWER

01 2242.<sup>1</sup> In conjunction with his response, petitioner has submitted an amended signature page  
02 bearing his signature.

03 Rule 11(a) of the Federal Rules of Civil Procedure requires that any document  
04 submitted to the Court for filing be signed and that any unsigned document be stricken unless  
05 the omission is promptly corrected. The Court need not, at this juncture, make a determination  
06 as to whether the petition was properly executed under § 2242 at the time it was filed. As  
07 petitioner has now submitted an amended signature page bearing his signature, the deficiency  
08 complained of by respondent has been corrected. Accordingly, respondent's motion to  
09 dismiss is moot.

10 (2) Respondent is directed to file an answer to the petition not later than thirty (30)  
11 days from the date on which this Order is signed.

12 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
13 respondent, and to the Honorable Mary Alice Theiler.

14 DATED this 29th day of April, 2009.

15  
16 s/ Mary Alice Theiler  
United States Magistrate Judge

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22 <sup>1</sup> Section 2242 provides that an “[a]pplication for a writ of habeas corpus shall be in  
writing signed and verified by the person for whose relief it is intended or by someone acting in  
his behalf.” In this instance, petitioner's father signed the petition. (*See* Dkt. 7 at 14.)